

INFORMAL TERMINAL DISCLAIMER MEMO

DATE: 02 Dec 07

SERIAL NO: 09/326,540

TO: Ex Tion

ART UNIT: 2871

FROM: Deborah Perry-Leeper
Paralegal Specialist
Office of the Special
Programs Examiner
Group 2800

TD FILED: 30 Nov. 07

Rule 60 Continuation
 FWC
 CIP

Examiner Initials/date

Instructions: The Terminal Disclaimer accompanying this application has been reviewed and the results identified below. Please use the appropriate Form Paragraph(s) to notify the applicant of the PTO decision regarding the "TD."

- The TD is Accepted and has been recorded (see 14.23).

- **TECHNICAL SUPPORT:** The TD fee of \$ 110⁰⁰ needs to be charged to Deposit Account: 50-0911

- The TD is Defective and has not been accepted for the following reason(s):

- The recording fee of \$ _____ has not been paid/applied and [nor does] there is no [appear to be] general fee authorization to charge the deposit account (see MPEP 14.25);
- It lacks the enforceable only during the common ownership clause (Rule 37 CFR 1.321(c)) (See MPEP 14.27, 14.27.1);
- It is directed to a particular claim or claims and not a terminal portion of the term of the entire patent to be granted (see MPEP 14.26, 14.26.2, 1490);
- It is not signed. (MPEP 14.26, 14.26.3);
- The serial no. of the application (or the patent no.) which forms the basis for the double patenting rejection is missing or incorrect (see MPEP 14.32);
- The serial no. of this pending application (or the number of the patent in reexam. and/or reissue cases) being disclaimed is missing or incorrect (see MPEP 14.26, 14.26.4 or 14.26.5);
- The period disclaimed is incorrect or not specified (see MPEP 14.27, 14.27.2 or 14.27.3); and
- This pending application and the patented (pending) application (which forms the basis of the double patenting rejection) are not commonly owned.

Terminal Disclaimers Submitted/Signed by the Assignee

- No 3.73(b) statement was provided.

- 3.73(b) statement is defective because:

- The person who signed the TD failed to state his/her capacity to sign for the business entity (see MPEP 14.28);
- The person who signed the TD is not recognized as an Officer of the Assignee (MPEP 14.29);
- There is insufficient evidence of the chain of title from the inventor to the assignee – no reel and frame number specified as to where such evidence is recorded in the PTO (37 CFR 3.73(b)); and
- There is no statement identifying that the evidentiary document(s) has been reviewed and to the best of the assignee's knowledge and belief title is in the name of the assignee seeking to take action (1140 OG 72).

- A revised TD can be filed to overcome the above objections - no additional T.D. fee is required.

**DO NOT PROVIDE THIS MEMO TO APPLICANT,
MUST BE RETURNED TO SPRE UNIT**